

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FARMERS MUTUAL INSURANCE CO.)	Case No. _____
OF NEBRASKA, as Subrogee for)	
MICHAEL MCDONALD,)	
)	COMPLAINT
Plaintiff,)	
)	
vs.)	
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

COMES NOW Plaintiff, Farmers Mutual Insurance Co. of Nebraska (“Farmers Mutual”), as Subrogee for Michael McDonald (“McDonald”) and for its Complaint against Defendant, alleges:

JURISDICTION

1. Plaintiff Farmers Mutual is a Nebraska insurer with its principal place of business in the State of Nebraska.
2. This action is brought under the Federal Tort Claims Act, 28 U.S.C. §§ 2671-2680, 28 U.S.C. § 1346(b)(1).
3. On December 28, 2016, Plaintiff’s Federal Tort Claims were filed with the United States Postal Service.
4. On June 12, 2017, the United States Postal Service denied Plaintiff’s Federal Tort Claims.
5. The denial of the claims by the United States Postal Service constituted a final denial under 28 U.S.C. § 2401(b).

6. Farmers Mutual suffered damages due to the negligence of a representative of the United States Postal Service including vehicle property damage, rental car payments, and medical payments.

FACTUAL BACKGROUND

7. At all times material, Kaleb Stirling Baumer (“Baumer”) was a United States Postal Service (hereinafter “USPS”) employee and was acting within the course and scope of his employment.

8. On or about June 18, 2016, McDonald was eastbound on Interstate 80 in Omaha, Nebraska, when he was rear-ended by a USPS vehicle driven by Baumer.

9. Baumer was found guilty of following too close by the County Court of Douglas County, Nebraska.

CAUSE OF ACTION: NEGLIGENCE

10. Defendant, United States of America by and through its agent and employee Baumer, was negligent by following too close in the USPS vehicle that rear-ended Michael McDonald’s vehicle.

11. The above-mentioned collision and resulting injuries and damages were proximately caused by the negligence of Baumer.

12. The injuries and damages were proximately caused by the negligence of the United States of America by and through its agents and employees.

13. Farmer’s Mutual paid for the damage to McDonald’s vehicle, the cost of a rental car, and medical bills.

14. Farmers Mutual paid for the total loss of the 2013 Dodge Charger in the amount of \$16,799.00.

15. Farmers Mutual paid for a rental vehicle in the amount of \$820.96.
16. Farmers Mutual paid medical bills for Michael McDonald in the amount of \$4,032.00.
17. Plaintiff has incurred damages in the total amount of \$21,651.96.

WHEREFORE, Plaintiff prays for judgment against Defendant in the amount of \$21,633.96 plus the costs of this action.

**FARMERS MUTUAL as Subrogee for
MICHAEL MCDONALD, Plaintiff**

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